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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: July 2, 2004 Name: Alejandro J. Fernandez Signature: *[Signature]*

BRINKS  
HOFFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Stephen Deal, et al.

Appln. No.: 10/688,846

Filed: October 17, 2003

For: PHYSICIAN ACCESS SYSTEM

Attorney Docket No: 10000/210

Client Ref. No. PA-5357-RFB

Examiner: N/A

Art Unit: 3736

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Information Disclosure Statement (in duplicate), and copy of International Search Report.
- ☒ PTO Form 1449 with 16 cited references.
- ☒ Return Receipt Postcard.

Fee calculation:

- ☒ No additional fee is required.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

7.2.04  
Date

*[Signature]*  
Alejandro J. Fernandez (Reg. No. 52,886)



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July 2, 2004

Date of Deposit

Alejandro J. Fernandez

Name of Applicant, Assignee or  
Registered Representative

Signature

7.2.04

Date of Signature

Our Case No.: 10000/210

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen Deal, et al.

Serial No.: 10/688,846

Filing Date: October 17, 2003

For: PHYSICIAN ACCESS SYSTEM

Examiner: N/A

Group Art Unit No.: 3736

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

<b>NO.</b>	<b>DATE</b>	<b>NAME</b>
4,932,413	01/12/90	Shockey et al.
4,947,864	08/14/90	Shockey et al.
5,336,184	08/09/94	Teirstein
5,364,376	11/15/94	Horzewski et al.
5,395,335	03/07/95	Jang
5,554,118	09/10/96	Jang
6,273,899	08/14/01	Kramer
6,312,404	11/06/01	Agro et al.
2002/058905	05/16/02	Madrid et al.
2002/0026149	02/28/02	Agro et al.
2002/0049423	04/25/02	Howell et al.

#### **FOREIGN PATENT DOCUMENTS**

<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>
WO 93 05841	04/01/93	PCT
WO 98 52637	11/26/98	PCT
WO 01 66178	09/13/01	PCT

#### **OTHER ART – NON PATENT LITERATURE DOCUMENTS**

S. Sherman, M.D., "Wire-guided Sphincterotomy," The American Journal of Gastroenterology, 89(12):2125-2129 (1994)

Wilson-Cook Medical, Inc. "Swenson Wire Guided Papillotomes/Sphincterotomes" Brochure

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Brinks

Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

In accordance with 37 C.F.R. § 1.97(e)(1), Applicant(s) hereby certify that certain items of the information disclosed in this Information Disclosure Statement were cited in a communication from a foreign patent office in a counterpart foreign application, as evidenced by the date of the enclosed search report.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Alejandro J. Fernandez  
Registration No. 52,886  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200



FORM PTO-1449	SERIAL NO. 10/688,846	CASE NO. 10000/210
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE October 17, 2003	GROUP ART UNIT 3736
(use several sheets if necessary)		APPLICANT(S): Stephen Deal, et al.

#### REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	4,932,413	06/12/90	Shockey et al.		
	A2	4,947,864	08/14/90	Shockey et al.		
	A3	5,336,184	08/09/94	Teirstein		
	A4	5,364,376	11/15/94	Horzewski et al.		
	A5	5,395,335	03/07/95	Jang		
	A6	5,554,118	09/10/96	Jang		
	A7	6,273,899	08/14/01	Kramer		
	A8	6,312,404	11/06/01	Agro et al.		
	A9	2002/058905	05/16/02	Madrid et al.		
	A10	2002/0026149	02/28/02	Agro et al.		
	A11	2002/0049423	04/25/02	Howell et al.		

#### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A12	WO 93 05841	04/01/93	PCT		
	A13	WO 98 52637	11/26/98	PCT		
	A14	WO 01 66178	09/13/01	PCT		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>	
	A15	S. Sherman, M.D., "Wire-guided Sphincterotomy," The American Journal of Gastroenterology, 89(12):2125-2129 (1994)
	A16	Wilson-Cook Medical, Inc. "Swenson Wire Guided Papillotomes/Sphincterotomes" Brochure
EXAMINER		DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.